

# COMMON COUNCIL

Official Proceedings of the 2011-2012 Common Council of the City of Sheboygan.

## FOURTH REGULAR MEETING

The Council met: Monday, May 16, 2011.

Mayor Bob Ryan in the Chair:

On call of the roll, the following Alderpersons were present:

Ayes: Boeldt, Bohren, Carlson, Dekker, Hammond, Hanna, Heidemann, Kath, Kittelson, Matichek, Rindfleisch, Roeseler, Sampson, VanderWeele, Versey □ 15.

Nays: None.

Absent and Excused: Van Akkeren □ 1.

On motion by Alderperson Rindfleisch and second by Alderperson Dekker, the reading of the minutes of the Third Regular Meeting held May 2, 2011, and the May 11, 2011 Special Meeting were approved as entered on the record, all Alderpersons present voting "Aye".

## PUBLIC FORUM

Dolyce Johnson, 1306 N. 3<sup>rd</sup> St. and Hamilton Watt, 2513A S. 8<sup>th</sup> St., spoke.

## MAYOR'S ANNOUNCEMENTS

On motion by Alderperson Rindfleisch and second by Alderperson Dekker, the following documents notated with an asterick (\*) were accepted and placed on file, accepted and adopted, or passed on call of the roll:

Ayes: Boeldt, Bohren, Carlson, Dekker, Hammond, Hanna, Heidemann, Kath, Kittelson, Matichek, Rindfleisch, Roeseler, Sampson, VanderWeele, Versey □ 15.

Nays: None.

## COMMUNICATIONS AND PETITIONS

**Com. No. 1 - 11 - 12. May 16, 2011.**

Submitting a communication from Peter Mayer, member of the Board of Directors of Sheboygan Youth Sailing Club, Inc., requesting that the utilities charges billed to the City since January of 2009 for the Youth Sailing facility be waived.

Was referred to the Committee on Finance.

## REPORTS OF OFFICERS

**\*R. O. No. 26 - 11 - 12. By CITY CLERK. May 16, 2011.**

Submitting various license applications.

### TEMPORARY CLASS "B" LICENSE

<u>No.</u>	<u>Name</u>	<u>Address</u>
2823	Honor America	1138 Union Ave. – One-day event to be held 5/30/2011 in the parking area west of the VFW Building.

### AMBULANCE LICENSE APPLICATION (June 30, 2012)

<u>No.</u>	<u>Name</u>	<u>Address</u>
1245	Orange Cross Ambulance	1919 Ashland Ave.

### CARNIVAL LICENSE APPLICATION (June 5, 2011)

<u>No.</u>	<u>Name</u>	<u>Address</u>
1408	Lakeshore Sunrise Kiwanis	Kiwanis Park

### COMMERCIAL OPERATORS LICENSE (December 31, 2011)

<u>No.</u>	<u>Name</u>	<u>Address</u>
2826	Earth'N Oak	3824 Erie Ave.

### COMMERCIAL SALVAGE & RECYCLING (June 30, 2012)

<u>No.</u>	<u>Name</u>	<u>Address</u>
1351	Sheboygan Waste Material	1205 Illinois Ave.

### INDIAN MEADOWS (June 30, 2012)

<u>No.</u>	<u>Name</u>	<u>Address</u>
1170	Indian Meadows	3636 S. Business Dr.

### SECONDHAND JEWELRY/ARTICLE LICENSE (December 31, 2011)

<u>No.</u>	<u>Name</u>	<u>Address</u>
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**\*R. O. No. 27 - 11 - 12. By BOARD OF ELECTRICAL EXAMINERS. May 16, 2011.**

Pursuant to State of Wisconsin Comm. 5 and City of Sheboygan Municipal Code, Section 26-355, the following licenses have been issued:

<u>APPLICATION #</u>	<u>NAME AND ADDRESS</u>	<u>TYPE OF LICENSE</u>
1422	Paul Gohr W220 N5298 Town Line Rd Menomonee Falls, WI 53051	Electrical Contractor
1423	Ron Stultz 3146 Hwy CC Slinger, WI 53086	Electrical Contractor

**\*R. O. No. 28 - 11 - 12. By CITY PLAN COMMISSION. May 16, 2011.**

Your Commission to whom was referred Res. No. 5-11-12 relative to authorizing the sale of City-owned property at 1026 Erie Avenue and 712 S. Water Street; wishes to report this matter was discussed at the regular meeting of the City Plan Commission, May 16, 2011, and after due consideration, recommends approval of the Resolution with the condition that the land along the river at 712 S. Water Street be dedicated for a walkway along the river through the Certified Survey Map process.

**\*R. O. No. 29 - 11 - 12. By LIBRARY DIRECTOR. May 16, 2011.**

Conveying a Library Board Resolution in honor of the service of Samuel Zelpe  
At its meeting of April 28, the Mead Public Library Board adopted the attached resolution in honor of the service of Samuel Zelpe as a Trustee of Mead Public Library. Mr. Zelpe served for three terms (nine years) prior to his retirement from the Board effective April 30, 2011.

**R. O. No. 30 - 11 - 12. By CITY PLAN COMMISSION. May 16, 2011.**

Your Commission to whom was referred Gen. Ord. No. 1-11-12 and R. O. No. 7-11-12 relative to amending the text of the City of Sheboygan Official Zoning Ordinance in Sections 15.105, 15.203 and 15.206 so as to permit Junkyard or Salvage Yard as a conditional use within the UI Urban Industrial District; wishes to report this matter was discussed at the regular meeting of the City Plan Commission, May 10, 2011, and after due consideration, recommends approval of the Ordinance and the Report of Officer be placed on file.

Lies over under the rules to June 6<sup>th</sup>.

**R. O. No. 31 - 11 - 12. By CITY PLAN COMMISSION. May 16, 2011.**

Your Commission to whom was referred Gen. Ord. No. 2-11-12 relative to amending the text of the City of Sheboygan Official Zoning Ordinance in Section 15.205 Regulations Applicable to All Land Uses so as to add (12); wishes to report this matter was discussed at the regular meeting of the City Plan Commission, May 10, 2011, and after due consideration, recommends approval of the Ordinance.

Lies over under the rules to June 6<sup>th</sup>.

**R. O. No. 32 - 11 - 12. By CITY CLERK. May 16, 2011.**

Submitting a communication from Larry Hinkelman, Board President of the Wisconsin Naval Ship Association, requesting that the berthing agreement for the USS Canon be modified to the north side of the river, beginning just west of the public boat launch.

Was referred to the City Plan Commission.

**R. O. No. 33 - 11 - 12. By CITY CLERK. May 16, 2011.**

Submitting a communication from Larry Hinkelman, Board President of the Wisconsin Naval Ship Association, requesting that the City release the property at 824 S. 8<sup>th</sup> St. (Alliant Energy property) so that they can purchase it.

Was referred to the City Plan Commission.

**R. O. No. 34 - 11 - 12. By CITY CLERK. May 16, 2011.**

Submitting a petition of electors and property owners for direct annexation of the Schuchardt Farm, LLC.

Was referred to the City Plan Commission.

**R. O. No. 35 - 11 - 12. By CITY CLERK. May 16, 2011.**

Submitting the Harbor Centre Business Improvement District's Financial Statements for 2010 together with the independent Auditor's report.

Was referred to the Committee on Finance.

**R. O. No. 36 – 11 – 12. By LIBRARY DIRECTOR. May 16, 2011.**

Conveying the Mead Public Library Board Annual Report for 2010.

The Mead Public Library Board has approved its 2010 Annual Report for distribution. This local report includes narrative, financial, and service data sections that may be of interest to the City of Sheboygan Common Council.

Was referred to the Committee on Finance.

**R. O. No. 37 - 11 - 12. By CITY CLERK. May 16, 2011.**

Submitting various license applications for the period ending June 30, 2011 and June 30, 2012.

Was referred to the Committee on Law and Licensing.

**R. O. No. 38 - 11 - 12. By CITY CLERK. May 16, 2011.**

Submitting various license applications for the period ending June 30, 2012 and June 30, 2013.

Was referred to the Committee on Law and Licensing.

**R. O. No. 39 - 11 - 12. By CITY CLERK. May 16, 2011.**

Submitting a communication from the State of Wisconsin Department of Corrections to file an appeal to the Sex Offender Residency restrictions on behalf of Jason J. Goodwill.

Was referred to the Committee on Public Protection and Safety.

**R. O. No. 40 - 11 - 12. By CITY CLERK. May 16, 2011.**

Submitting a communication from the State of Wisconsin Department of Corrections to file an appeal to the Sex Offender Residency restrictions on behalf of James Turner Jr. for placement at a Transitional Living Placement.

Was referred to the Committee on Public Protection and Safety.

**R. O. No. 41 - 11 – 12. By FIRE CHIEF. May 16, 2011.**

Pursuant to Section 50-496 of the Municipal Code, I herewith submit my report of departmental activity for the period commencing January 1, 2011, and ending March 31, 2011.

Was referred to the Committee on Public Protection and Safety.

**R. O. No. 42 – 11 -12. By PURCHASING AGENT. May 16, 2011.**

Submitting a report related to the provision of 2011 Husqvarna diesel powered, walk-behind concrete saw and trailer, including trade-in of the current saw from 2001.

Was referred to the Committee on Public Works.

**R. O. No. 43 - 11 - 12. By CITY CLERK. May 16, 2011.**

Submitting a communication from Amy Gutierrez, Tourism Director of the Sheboygan County Chamber of Commerce requesting use of services and equipment from the Department of Public Works and Public Protection and Safety for activities on South Pier during the 4<sup>th</sup> of July events.

Was referred to the Committee on Public Works and to the Redevelopment Authority.

**R. O. No. 44 - 11 - 12. By CITY CLERK. May 16, 2011.**

Submitting a claim from Travelers Home and Marine Insurance Company on behalf of their insured Alan A. Pentek for alleged damages to his vehicle when a snow plow struck his unoccupied car.

Was referred to the Special Committee on Risk Management.

**R. O. No. 45 - 11 - 12. By CITY CLERK. May 16, 2011.**

Submitting a claim from Justine Nimmer for alleged damages to her vehicle when a City plow hit the left side of her car.

Was referred to the Special Committee on Risk Management.

**RESOLUTIONS INTRODUCED**

**\*Res. No. 11 - 11 - 12. By Alderperson Sampson. May 16, 2011.**

**A RESOLUTION** in recognition of the service of Samuel Zelpe to Mead Public Library.

**WHEREAS**, Sam Zelpe was appointed to the Library Board for a term starting in May 2002, and

**WHEREAS**, he was re-appointed to two subsequent terms with the final one ending on April 30, 2011, and

**WHEREAS**, during his tenure as a Library Trustee Sam Zelpe served as Chair of the Information Technology Committee, and

**May 16, 2011**

**WHEREAS**, Sam Zelpé participated in the work of other Library Board committees including Building, Finance, Strategic Directions Review, and Personnel, and

**WHEREAS**, Sam Zelpé served as a model for the conduct of the responsibilities of a Library Trustee in a well-informed and reasoned manner and his thoughtful questions helped focus the discussion of the Board of Trustees, and

**WHEREAS**, Sam Zelpé fully supported the vision of Mead Public Library being a community cultural center for all ages which was demonstrated by his work on the Building Committee during development of Jerry Black's, the NewStand, and the Mead Reading Room and by his support of the funding for improvement of public service spaces for teens at Mead Public Library, starting with work on the Myrtle and Hazel Hansen Teen Library Center in 2008 and culminating with the dedication of the Dr. Jerome M. Maas Teen Learning Center on April 15, 2010,

**NOW, THEREFORE BE IT RESOLVED:** That the Mead Public Library Board does hereby publicly commend Sam Zelpé for the time and attention he devoted to his responsibilities as a Trustee. The Board thanks him for his multi-term commitment and recognizes his service through designation of appropriate book titles for purchase in his honor. The Mead Public Library Board wishes Sam all the best as he retires from nine years of service as a Library Trustee.

**Res. No. 12 - 11 - 12. By Alderperson Hammond. May 16, 2011.**

**A RESOLUTION** authorizing a contribution to the Sheboygan County Economic Development Corporation for business development.

**RESOLVED:** That the Common Council hereby authorizes the contribution of \$100,000 to the Sheboygan County Economic Development Corporation for business development:

**BE IT FURTHER RESOLVED:** That the Sheboygan County Economic Development Corporation will report on their activities, pertaining to the City of Sheboygan, to the Finance Committee once per quarter. This meeting can/may be done via closed session where appropriate. Any member of the Sheboygan County Economic Development Corporation Executive Committee is welcome to make this quarterly presentation to the Finance Committee.

**BE IT FURTHER RESOLVED:** That the Finance Director/Treasurer is authorized to draw on Account No. 10112100-521900 in payment of said contribution.

A motion by Alderperson Hammond and second by Alderperson Hanna to suspend the rules of the Common Council was passed by unanimous consent.

On motion by Alderperson Hammond and second by Alderperson Bohren, the foregoing Resolution was passed on call of the roll:

Ayes: Boeldt, Bohren, Carlson, Dekker, Hammond, Hanna, Heidemann, Kath, Kittelson, Matichek, Rindfleisch, Roeseler, Sampson, VanderWeele, Versey □ 15.

Nays: None.

**Res. No. 13 - 11 - 12. By Alderpersons Hammond, Rindfleisch, Bohren, Matichek and Van Akkeren. May 16, 2011.**

**A RESOLUTION** rescinding 2010 personal property taxes for Assessment No. 59281800096.

**RESOLVED:** That the appropriate City Officials are hereby authorized and directed to rescind 2010 personal property taxes of \$623.75 for assessment No. 59281800096 in accordance with State Statute 70.43 (2).

**BE IT FURTHER RESOLVED:** That the appropriate City Officials are hereby authorized and directed to rescind 2010 personal property taxes in the amount of \$623.75 for Assessment No. 59281800096 in accordance with State Statute 70.43 (2).

On motion by Alderperson Hammond and second by Alderperson Bohren, the Resolution was passed on call of the roll:

Ayes: Boeldt, Bohren, Carlson, Dekker, Hammond, Hanna, Heidemann, Kath, Kittelson, Matichek, Rindfleisch, Roeseler, Sampson, VanderWeele, Versey □ 15.

Nays: None.

**Res. No. 14 - 11 - 12. By Alderpersons Hammond, Rindfleisch, Bohren, Matichek and Van Akkeren. May 16, 2011.**

**A RESOLUTION** authorizing the City of Sheboygan to enter into a contract for buildings and property insurance coverage.

**WHEREAS**, City ordinance allows the purchase from or in cooperation with, other governmental agencies without competitive bids, and

**WHEREAS**, the State of Wisconsin Local Government Property Insurance Fund continues to provide insurance at reasonable rates.

**NOW THEREFORE BE IT RESOLVED:** That the City of Sheboygan is hereby authorized to enter into contract with the Local Government Property Insurance Fund for providing building and property insurance coverage at a cost of \$85,841 for the period June 1, 2011 through May 31, 2012.

**BE IT FURTHER RESOLVED:** That the appropriate City officials are hereby authorized to draw orders on the Prepaid Insurance Account No. 705-155010 in payment of same.

On motion by Alderperson Hammond and second by Alderperson Rindfleisch, the Resolution was passed on call of the roll:

May 16, 2011

Ayes: Boeldt, Bohren, Carlson, Dekker, Hammond, Hanna, Heidemann, Kath, Kittelson, Matichek, Rindfleisch, Roeseler, Sampson, VanderWeele, Versey □ 15.  
Nays: None.

**Res. No. 15 - 11 - 12. By Alderpersons Roeseler, Versey, Kittelson, Dekker and Sampson. May 16, 2011.**

**A RESOLUTION** lifting the hiring freeze in order to hire three (3) Police Officers in the Police Department.

**WHEREAS**, the City of Sheboygan passed Resolution 28-10-11 that extended the hiring freeze to December 31, 2011;

**WHEREAS**, the hiring freeze allows for emergency exceptions upon approval of the Mayor and Council; and

**WHEREAS**, the Mayor recently approved the Hiring Audit form to authorize hiring three (3) Police Officers.

**NOW, THEREFORE, BE IT RESOLVED:** That the Common Council hereby authorizes, as an emergency exception to the hiring freeze, the hiring of the three (3) Police Officers in the Police Department.

A motion by Alderperson Roeseler and second by Alderperson Kittelson to suspend the rules of the Common Council was passed by unanimous consent.

On motion by Alderperson Roeseler and second by Alderperson Versey, the foregoing Resolution was passed on call of the roll:

Ayes: Boeldt, Bohren, Carlson, Dekker, Hammond, Hanna, Heidemann, Kath, Kittelson, Matichek, Rindfleisch, Roeseler, Sampson, VanderWeele, Versey □ 15.  
Nays: None.

**Res. No. 16 - 11 - 12. By Alderpersons Roeseler, Versey, Kittelson, Dekker and Sampson. May 16, 2011.**

**A RESOLUTION** lifting the hiring freeze in order to hire seasonal help in the City Development Department (intern).

**WHEREAS**, the City of Sheboygan passed Resolution 28-10-11 that extended the hiring freeze to December 31, 2011;

**WHEREAS**, the hiring freeze allows for emergency exceptions upon approval of the Mayor and Council; and

**WHEREAS**, the Mayor recently approved the Hiring Audit form to authorize hiring seasonal help in the City Development Department (intern).

**NOW, THEREFORE, BE IT RESOLVED:** That the Common Council hereby authorizes, as an emergency exception to the hiring freeze, the hiring of seasonal help in the City Development Department (intern).

A motion by Alderperson Roeseler and second by Alderperson Versey to suspend the rules of the Common Council was passed by unanimous consent.

On motion by Alderperson Roeseler and second by Alderperson Kittelson, the foregoing Resolution was passed on call of the roll:

Ayes: Boeldt, Bohren, Carlson, Dekker, Hammond, Hanna, Heidemann, Kath, Kittelson, Matichek, Rindfleisch, Roeseler, Sampson, VanderWeele, Versey □ 15.  
Nays: None.

**Res. No. 17 - 11 - 12. By Alderpersons Roeseler, Versey, Kittelson, Dekker and Sampson. May 16, 2011.**

**A RESOLUTION** authorizing the City of Sheboygan to establish and maintain participant Roth deferral features beginning July 1, 2011, under the State of Wisconsin Deferred Compensation Program.

**WHEREAS**, the federal government passed the Small Business Jobs Act of 2010 which permits all s. 457 plans, including the Wisconsin Deferred Compensation (WDC) Program, to offer participants a Roth deferral feature beginning January 1, 2011;

**WHEREAS**, the Wisconsin Deferred Compensation Board decided to add this feature to the WDC, but elected to delay opening the WDC Roth deferral to employees until July 1, 2011; and

**WHEREAS**, Roth contributions will offer employees an after-tax deductions independent of before tax deferrals offered through s. 457 plans.

**NOW, THEREFORE BE IF RESOLVED:** That the City of Sheboygan offer employee deductions for Roth deferral features effective July 1, 2011.

On motion by Alderperson Roeseler and second by Alderperson Versey, the Resolution was passed on call of the roll:

Ayes: Boeldt, Bohren, Carlson, Dekker, Hammond, Hanna, Heidemann, Kath, Kittelson, Matichek, Rindfleisch, Roeseler, Sampson, VanderWeele, Versey □ 15.  
Nays: None.

**Res. No. 18 - 11 - 12. By Alderpersons Hammond, Rindfleisch, Bohren, Matichek and Van Akkeren. May 16, 2011.**

**A RESOLUTION** to authorize a transfer of appropriations in the 2011 Budget.

Lies over under the rules.

**Res. No. 19 - 11 - 12. By Alderperson Hammond. May 16, 2011.**

**A RESOLUTION** executing a grant agreement with the Department of Natural Resources and the City of Sheboygan for the purpose of developing a conservation plan for 177 acres on the Schuchardt property.

Was referred to the Committee on Finance.

**Res. No. 20 - 11 - 12. By Alderperson Bohren. May 16, 2011.**

**A RESOLUTION** authorizing the Purchasing Agent to enter into contract for the provision of (1) new diesel powered walk behind concrete saw and trailer for the Motor Vehicle Dept. less trade-in.

Was referred to the Committee on Public Works.

**REPORTS OF COMMITTEES**

**\*R. C. No. 11 - 11 - 12. By MARINA AND HARBOR. May 16, 2011.**

Your Committee to whom was referred the following:

1. R. O. No. 468-10-11 by the Deputy Finance Director/Treasurer submitting the Harbor Centre Marina Balance Sheet from Operations dated January 31, 2011, as submitted by Skipper Marine; and
2. R. O. No. 469-10-11 by the Deputy Finance Director/Treasurer submitting the Harbor Centre Marina Balance Sheet from Operations dated February 28, 2011, as submitting by Skipper Marine;

recommends that the Reports of Officer be accepted and placed on file.

**\*R. C. No. 12 - 11 - 12. By LAW AND LICENSING. May 16, 2011.**

Your Committee to whom was referred, pursuant to R. O. No. 484-10-11 and R. O. No. 8-11-12 by the City Clerk, submitting license applications for the period ending June 30, 2011 and June 30, 2012; recommends that the following licenses be granted:

CHANGE OF AGENT

Sheboygan Resort Operator LLC liquor license #2805 to change their agent from Kristine M. Willis to Matthew Rybarczyk.

CHANGE OF PREMISE

<u>No.</u>	<u>Name</u>	<u>Address</u>
1833	Champs Sports Bar	1501 Indiana Ave. – one-day event to be held 7/30/2011 to include the whole parking lot.
1511	Dennys Bar	2140 Calumet Dr. – one-day event to be held 6/13/11 to include the parking lot to the west and north of the building.

PERMANENT CHANGE OF PREMISE

<u>No.</u>	<u>Name</u>	<u>Address</u>
2428	Highland House	820 Indiana Ave. – to add a concrete slab East of the 1 <sup>st</sup> floor deck.

"CLASS A" LIQUOR LICENSE (June 30, 2011)

<u>No.</u>	<u>Name</u>
2821	Festival Foods

SIDEWALK CAFÉ LICENSE (April 14, 2012)

<u>No.</u>	<u>Name</u>
2427	Urbane

BEVERAGE OPERATOR'S LICENSE (June 30, 2012)

<u>No.</u>	<u>Name</u>
9062	Kuznacic, Nichole L.
7259	Schutney, Joan L.
9060	Verhagen, Amy E.

TAXICAB OPERATOR LICENSES (June 30, 2011)

<u>No.</u>	<u>Name</u>
9049	Quade, Justin E.
9044	Ringel, Tammy L.

We further recommend that, by the adoption of this report, the City Clerk is hereby authorized and directed to issue the proper licenses.

**\*R. C. No. 13 - 11 - 12. By PUBLIC PROTECTION AND SAFETY. May 16, 2011.**

**May 16, 2011**

Your Committee to whom was referred R. O. No. 10-11-12 by the City Clerk submitting a communication from Jane Hanson requesting pedestrian crosswalks painted at the corner of Lakeshore Dr. and High Ave.; recommends that the document be accepted and placed on file and to approve painting crosswalks and putting temporary placards to slow down traffic.

**\*R. C. No. 14 - 11 - 12. By PUBLIC PROTECTION AND SAFETY. May 16, 2011.**

Your Committee to whom was referred R. O. No. 11-11-12 by the City Clerk submitting a communication from Knowles Chiropractic requesting permission to close a small section of road in front of their office at 1509 N. 13<sup>th</sup> St. for a patient/neighborhood appreciation event on June 24<sup>th</sup>; recommends that the document be placed on file and stating that they will need to obtain a street festival permit from the Police Department.

**\*R. C. No. 15 - 11 - 12. By PUBLIC PROTECTION AND SAFETY. May 16, 2011.**

Your Committee to whom was referred R. O. 13-11-12 by the City Clerk submitting a communication from the Chief of Police stating that the Sheboygan Jaycees has approached him regarding expanding the hours for beer sales during the 2011 Brat Days and stating that the Police Department will not oppose the request if the Common Council wishes to grant the request; recommends that the document be placed on file.

**\*R. C. No. 16 - 11 - 12. By PUBLIC WORKS. May 16, 2011.**

Your Committee to whom was referred a copy of R. O. 13-11-12 by the City Clerk submitting a communication from the Chief of Police stating that the Sheboygan Jaycees has approached him regarding expanding the hours for beer sales during the 2011 Brat Days and stating that the Police Department will not oppose the request if the Common Council wishes to grant the request; recommends that the Report of Officer be accepted and placed on file and to approve the request.

**\*R. C. No. 17 - 11 - 12. By PUBLIC PROTECTION AND SAFETY. May 16, 2011.**

Your Committee to whom was referred R. O. No. 14-11-12 by the City Clerk submitting a communication from the Sheboygan Jaycees requesting the review and approval of the operating hours for their annual Brat Day's festival at Kiwanis Park from August 4-6, 2011; recommends that the document be placed on file.

**\*R. C. No. 18 - 11 - 12. By PUBLIC WORKS. May 16, 2011.**

Your Committee to whom was referred a copy of R. O. 14-11-12 by the City Clerk submitting a communication from the Sheboygan Jaycees requesting the review and approval of the operating hours for their annual Brat Day's festival at Kiwanis Park from August 4-6, 2011; recommends that the Report of Officer be accepted and placed on file and to approve the request.

**\*R. C. No. 19 - 11 - 12. By PUBLIC PROTECTION AND SAFETY. May 16, 2011.**

Your Committee to whom was referred R. O. No. 15-11-12 by the City Clerk submitting a communication from the General Manager of the Sheboygan Athletic Club requesting permission to close Wildwood Ave. on Saturday, June 4<sup>th</sup>, to celebrate the completion of this phase of the park renovation project and to also place barricades in the middle of Wildwood Ave. just south of the VFW Hall; recommends that the document be placed on file and stating that they will need to obtain a street festival permit from the Police Department.

**\*R. C. No. 20 - 11 - 12. By PUBLIC WORKS. May 16, 2011.**

Your Committee to whom was referred a copy of R. O. 15-11-12 by the City Clerk submitting a communication from the General Manager of the Sheboygan Athletic Club requesting permission to close Wildwood Ave. on Saturday, June 4, to celebrate the completion of this phase of the park renovation project and to also place barricades in the middle of Wildwood Ave. just south of the VFW Hall; recommends that the Report of Officer be accepted and placed on file and to approve the request.

**\*R. C. No. 21 - 11 - 12. By PUBLIC PROTECTION AND SAFETY. May 16, 2011.**

Your Committee to whom was referred R. O. No. 16-11-12 by the City Clerk submitting a communication from the John Michael Kohler Arts Center making various requests of the City to hold their annual Art Armada on July 4<sup>th</sup>; recommends that the document be placed on file.

**\*R. C. No. 22 - 11 - 12. By PUBLIC WORKS. May 16, 2011.**

Your Committee to whom was referred a copy of R. O. 16-11-12 by the City Clerk submitting a communication from the John Michael Kohler Arts Center making various requests of the City to hold their annual Art Armada on July 4<sup>th</sup>; recommends that the Report of Officer be accepted and placed on file and to approve the request.

**\*R. C. No. 23 - 11 - 12. By PUBLIC WORKS. May 16, 2011.**

Your Committee to whom was referred R. O. No. 17-11-12 by the City Clerk submitting a communication from the President of the Sheboygan Area Great Lakes Sport Fishermen Club, stating various concerns that need to be addressed prior to the boating season; recommends that the Report of Officer be accepted and placed on file. The City is aware of the problems. River dredging will help somewhat. New docks are in the proposed, but not funded, capital improvements budget~\$250,000 for the south-side (year 2012) and \$400,000 on the north-side (year 2013).

**\*R. C. No. 24 - 11 - 12. By PUBLIC WORKS. May 16, 2011.**

Your Committee to whom was referred R. O. 20-11-12 by the City Clerk submitting a communication from the Tourism Director of the Sheboygan County Chamber of Commerce, requesting use of services and equipment from the Department of Public Works; recommends that the Report of Officer be accepted and placed on file and to approve the request.

**R. C. No. 25 - 11 - 12. By SPECIAL COMMITTEE ON RISK MANAGEMENT. May 16, 2011.**

Your Committee to whom was referred R. O. No. 459-10-11 by the City Clerk submitting a claim from Horace Hummel for damages to his vehicle when a snow plow hit something hard, which kicked the plow blade out and striking his car in the rear driver side door; recommends that the Report of Officer be accepted and placed on file and to pay the claim in the amount of \$2,255.82.

On motion by Alderperson Kath and second by Alderperson Hammond, the Report of Committee was accepted and adopted on call of the roll:

Ayes: Boeldt, Bohren, Carlson, Dekker, Hammond, Hanna, Heidemann, Kath, Kittelson, Matichek, Rindfleisch, Roeseler, Sampson, VanderWeele, Versey □ 15.

Nays: None.

**R. C. No. 26 - 11 - 12. By PUBLIC WORKS. May 16, 2011.**

Your Committee to whom was referred a copy of Gen. Ord. No. 4-11-12 by Alderperson Hammond creating Subsection 122-98(e) of the Municipal Code relating to deferral of a portion of certain second-side water main special assessments for single-family residential corner lots in an SR-5 zoning district; recommends that the Ordinance be referred to the Committee on Finance for further study.

Was referred to the Committee on Finance.

**\*R. C. No. 27 - 11 - 12. By PUBLIC PROTECTION AND SAFETY. May 16, 2011.**

Your Committee to whom was referred Res. No. 6-11-12 by Alderperson Kittelson authorizing the appropriate City officials to enter into agreement with the Sheboygan Area School District relative to providing the public school system with school liaison officers from the Sheboygan Police Department; recommends that the Resolution be passed.

**\*R. C. No. 28 - 11 - 12. By PUBLIC WORKS. May 16, 2011.**

Your Committee to whom was referred Res. No. 7-11-12 by Alderperson Bohren authorizing the appropriate City officials to enter into a State/Municipal Agreement for design and construction for the STH 42 Calumet Drive Reconstruction from Main Avenue to N. 26<sup>th</sup> Street scheduled for 2016 construction; recommends that the Resolution be passed.

**\*R. C. No. 29 - 11 - 12. By PUBLIC WORKS. May 16, 2011.**

Your Committee to whom was referred the following:

1. R. O. No. 19-11-12 by the Purchasing Agent submitting a recommendation for the purchase of a BobCat ToolCat® tool carrier vehicle for the Motor Vehicle Department and accessing governmental price discounts for same thereby waiving the requirement for the issuance of bids when considered in conjunction with single source availability; and
2. Res. No. 8-11-12 by Alderperson Bohren authorizing the Purchasing Agent to enter into contract for the purchase of one BobCat ToolCat® tool carrier with attachments for the Motor Vehicle Division;

recommends that the Report of Officer be accepted and placed on file and the Resolution be passed.

**\*R. C. No. 30 - 11 - 12. By PUBLIC WORKS. May 16, 2011.**

Your Committee to whom was referred Res. No. 9-11-12 by Alderperson Bohren authorizing the appropriate City officials to enter into a State/Municipal Agreement for design and construction for the N. 14<sup>th</sup> St. (STH 28) Bridge Deck Replacement with added street lighting scheduled for construction in 2016; recommends that the Resolution be passed.



**\*R. C. No. 31 - 11 - 12. By PUBLIC WORKS. May 16, 2011.**

Your Committee to whom was referred Res. No. 10-11-12 by Alderperson Bohren authorizing advertising for bids for the new comfort stations and shelters for Cleveland Park, Veterans Park and Optimist Park; recommends that the Resolution be passed.

**R. C. No. 32 - 11 - 12. By WHOLE. May 16, 2011.**

Your Committee to whom was referred Res. No. 2-11-12 by Alderperson Kittelson approving the City of Sheboygan Generally Used Rules of Order, Procedure and Conduct for Common Council, Commissions, Committees, Board Members, and the Public for handy reference; recommends that the Resolution be passed.

Was accepted and adopted.

**\*R. C. No. 33 - 11 - 12. By SALARIES AND GRIEVANCES. May 16, 2011.**

Your Committee to whom was referred Gen. Ord. No. 62-10-11 by Alderperson Roeseler amending Section 1. of Gen. Ord. No. 93-07-08 so as to freeze the Mayor's salary at the current annual rate for the period May 2011 through April 2012; recommends that the Ordinance be passed.

**R. C. No. 34 - 11 - 12. By SALARIES AND GRIEVANCES. May 16, 2011.**

Your Committee to whom was referred Gen. Ord. No. 6-11-12 by Alderperson Roeseler repealing and recreating Subsection 2-692(b) of the Municipal Code relating to the composition of the City's collective bargaining committee; recommends that the attached Substitute Ordinance be passed.

Was accepted and adopted.

**R. C. No. 35 - 11 - 12. By PUBLIC PROTECTION AND SAFETY. May 16, 2011.**

Your Committee to whom was referred Gen. Ord. No. 5-11-12 by Alderperson Dekker repealing and recreating Section 70-265 of the Municipal Code relating to appeals of the 2000 foot requirement of the sex offender residency restrictions, so as to provide for the common council to decide the appeal; recommends that the Ordinance be passed.

On motion by Alderperson Dekker and second by Alderperson Rindfleisch, the Report of Committee was accepted and adopted and the foregoing Ordinance lost on call of the roll:

Ayes: Dekker, Hanna, Heidemann, Rindfleisch □ 4.

Nays: Boeldt, Bohren, Carlson, Hammond, Kath, Kittelson, Matichuk, Roeseler, Sampson, VanderWeele, Versey □ 11.

**R. C. No. 36 - 11 - 12. By FINANCE. May 16, 2011.**

Your Committee to whom was referred Gen. Ord. No. 4-11-12 by Alderperson Hammond creating Subsection 122-98(e) of the Municipal Code relating to deferral of a portion of certain second-side water main special assessments for single-family residential corner lots in an SR-5 zoning district; recommends that the attached Substitute Ordinance be passed.

On motion by Alderperson Hammond and second by Alderperson Rindfleisch, the foregoing Ordinance was referred to the Committee on Finance, all Alderpersons present voting "Aye".

**RESOLUTIONS ON SECOND READING**

**\*Res. No. 5 - 11 - 12. By Alderperson Sampson. May 2, 2011.**

**A RESOLUTION** authorizing the sale of City-owned property at 1026 Erie Avenue and 712 S. Water Street.

**WHEREAS**, the City purchased and razed these properties as a neighborhood revitalization activity in 2010 utilizing Community Development Block Grant funds;

**WHEREAS**, Habitat for Humanity is interested in purchasing the vacant properties for \$1.00 to construct new single-family, owner-occupied homes on these properties; and

**WHEREAS**, a requirement on transferring these properties to Habitat for Humanity is that the properties shall not be re-sold and their primary use shall be to construct new single-family homes to match the current architecture of housing units within the surrounding neighborhood.

**RESOLVED:** That the Common Council authorizes the Mayor and City Clerk to act on behalf of the City and sign all appropriate documents related to the transfer of residential property.

**\*Res. No. 6 - 11 - 12. By Alderperson Kittelson. May 2, 2011.**

**A RESOLUTION** authorizing the appropriate City officials to enter into agreement with the Sheboygan Area School District relative to providing the public school system with school liaison officers from the Sheboygan Police Department.

**WHEREAS**, It is in the mutual desire of the City of Sheboygan and the Sheboygan Area School District to provide the Sheboygan Area Public Schools with Liaison officers from the Sheboygan Police Department; and

**WHEREAS**, the school liaison officer program promotes the public safety and welfare of the City; and

**WHEREAS**, the City and the school district have agreed to equally finance the cost of the school liaison officer

program.

**NOW, THEREFORE, BE IT RESOLVED:** That the Mayor, City Clerk and Finance Director/Treasurer are hereby authorized and directed to enter into agreement with the Sheboygan Area School District for the provision of school liaison officers from the Sheboygan Police Department to the Sheboygan Area Public Schools for the five-year period from July 1, 2011 through June 30, 2016, in accordance with the terms and conditions of the attached agreement, which is made a part hereof.

**\*Res. No. 7 - 11 - 12. By Alderperson Bohren. May 2, 2011.**

**A RESOLUTION** authorizing the appropriate City officials to enter into a State/Municipal Agreement, I.D. 4630-05-00/71 for design and construction for the STH 42 Calumet Drive Reconstruction from Main Avenue to N. 26<sup>th</sup> Street scheduled for 2016 construction.

**RESOLVED:** That the Mayor and City Clerk are hereby authorized and directed to enter into the State/Municipal Agreement with the Wisconsin Department of Transportation for the design and construction of the STH 42 Calumet Drive Reconstruction from Main Avenue to N. 26<sup>th</sup> Street for the proposed sum of \$1,766,500 of which the Federal/State share is \$1,726,500 and of which the City of Sheboygan's share is \$40,000.

**BE IT FURTHER RESOLVED:** That the appropriate City officials are hereby authorized to draw orders on the future capital improvements program for street improvements.

**\*Res. No. 8 - 11 - 12. By Alderperson Bohren. May 2, 2011.**

**A RESOLUTION** authorizing the Purchasing Agent to enter into contract for the purchase of one Bobcat Brand ToolCat® tool carrier with attachments for the Motor Vehicle Division.

**WHEREAS:** The Department of Public Works utilizes several of these Toolcats® for various maintenance responsibilities throughout the City of Sheboygan and;

**WHEREAS:** The Motor Vehicle Department did include a replacement of a current vehicle in its 2011 Budget and;

**WHEREAS:** The ToolCat® vehicle is proprietary and the manufacturer includes significant discounts for governmental entities;

**RESOLVED:** That the Purchasing Agent is hereby authorized to enter into contract with Miller Implement Inc of St. Nazianz WI for the purchase of a tool carrier and attachments including delivery to the City of Sheboygan in the amount of \$50,876.32 without the need for competitive bidding and that the vehicle to be replaced will be sold at a future date:

**BE IT FURTHER RESOLVED:** That the appropriate City Officials are hereby authorized to draw orders on the Motor Vehicle Division Account Number 701-36100-641200 in payment of same.

**\*Res. No. 9 - 11 - 12. By Alderperson Bohren. May 2, 2011.**

**A RESOLUTION** authorizing the appropriate City officials to enter into a State/Municipal Agreement, I.D. 4640-06-00/71 for design and construction for the N. 14<sup>th</sup> Street (STH 28) Bridge Deck Replacement with added street lighting scheduled for construction in 2016.

**RESOLVED:** That the Mayor and City Clerk are hereby authorized and directed to enter into the State/Municipal Agreement with the Wisconsin Department of Transportation for the design and construction of the N. 14<sup>th</sup> Street (STH 28) Bridge Deck Replacement with added street lighting for the proposed sum of \$1,050,000 of which the Federal/State share is \$1,002,500 and of which the City of Sheboygan's share is \$47,500.

**BE IT FURTHER RESOLVED:** That the appropriate City officials are hereby authorized to draw orders on the future capital improvements program for street improvements.

**\*Res. No. 10 - 11 - 12. By Alderperson Bohren. May 2, 2011.**

**A RESOLUTION** authorizing advertising for bids for the new comfort stations and shelters for Cleveland Park, Veterans Park and Optimist Park.

**RESOLVED:** That the Public Works Department is hereby authorized and directed to advertise for bids under the five percent (5%) alternative of Section 62.15(3), Wisconsin Stats, for the new comfort stations and shelters for Cleveland Park, Veterans Park and Optimist Park aforementioned, according to the plans and specifications prepared by the consultant, and submit a resume of bids received and accepted to the Common Council for further consideration.

**Res. No. 2 - 11 - 12. By Alderperson Kittelson. April 19, 2011.**

**A RESOLUTION** approving the City of Sheboygan Generally Used Rules of Order, Procedure and Conduct for Common Council, Commissions, Committees, Board Members, and the Public for handy reference.

**WHEREAS,** the Common Council finds it beneficial to compile a manual of generally used rules of order, procedure and conduct so as to provide members of the City governing body, its commissions, committees and boards, and the general public, access to a handy reference guide to aid in the conduct of meetings of each respective body.

May 16, 2011

**NOW, THEREFORE, BE IT RESOLVED:** That the Common Council hereby approves for handy reference the City of Sheboygan Generally Used Rules of Order, Procedure and Conduct for Common Council, Commissions, Committees, Board Members and the Public, a copy of which is attached hereto.

**BE IT FURTHER RESOLVED:** That this manual is intended for easy reference only and does not supersede existing City ordinances or resolutions.

On motion by Alderperson Kittelson and second by Alderperson Versey, the Resolution was passed on call of the roll:

Ayes: Boeldt, Bohren, Carlson, Dekker, Hammond, Hanna, Heidemann, Kath, Kittelson, Matichek, Rindfleisch, Roeseler, Sampson, VanderWeele, Versey □ 15.

Nays: None.

#### **ORDINANCES ON SECOND READING**

**\*Gen. Ord. No. 62 - 10 - 11. By Alderperson Roeseler. April 18, 2011.**

**AN ORDINANCE** amending Section 1 of Gen. Ord. No. 93-07-08 so as to freeze the Mayor's salary at the current annual rate for the period May 2011 through April 2012.

THE COMMON COUNCIL OF THE CITY OF SHEBOYGAN DO ORDAIN AS FOLLOWS:

Section 1. Gen. Ord. No. 93-07-08 is hereby amended in Section 1 thereof so as to change the annual rate of the Mayor's salary effective the first payday of May 2011 to read "71,958."

Section 2. Except as amended herein, Gen. Ord. No. 93-07-08 shall remain in full force and effect.

Section 3. All ordinances or parts thereof in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict, and this ordinance shall be in effect from and after its passage and publication.

**Subs. of Gen. Ord. No. 6 - 11 - 12. (As amended) By Alderperson Roeseler. May 16, 2011.**

**AN ORDINANCE** repealing and recreating Section 2-692 of the Municipal Code relating to the composition of the City's collective bargaining committee.

THE COMMON COUNCIL OF THE CITY OF SHEBOYGAN DO ORDAIN AS FOLLOWS:

Section 1. Section 2-692 of the Sheboygan Municipal Code is hereby repealed and recreated to read as follows: "Sec. 2-692. *Composition*.

For purposes of conducting labor negotiations between the city and its employees, the collective bargaining committee shall consist of the chairperson of the finance committee, the chairperson of the salaries and grievances committee, the President of the Common Council, the director of human resources or individual acting in that capacity, the appropriate department head and the finance director/treasurer or the city attorney or other legal counsel acting in a consulting capacity."

Section 2. All ordinances or parts thereof in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict, and this ordinance shall be in effect from and after its passage and publication.

A motion was made by Alderperson Roeseler and second by Alderperson Hanna to pass the foregoing Substitute Ordinance.

Before action was taken thereon, a motion was made by Alderperson Roeseler and second by Alderperson Hanna to amend to delete from the Substitute Ordinance the following: remove "Sub" from the word "Subsection" and to read "Section", remove all "(b)"s from the text, remove the 3 "dots" and change Section 3 to Section 2" was passed on call of the roll:

Ayes: Boeldt, Hammond, Hanna, Kath, Kittelson, Matichek, Roeseler, Sampson, VanderWeele, Versey □ 10.

Nays: Bohren, Carlson, Dekker, Heidemann, Rindfleisch □ 5.

Before action was taken thereon, a motion was made by Alderperson Versey and second by Alderperson Dekker to add "President of the Council to the members of the Collective Bargaining Committee" was passed on call of the roll:

Ayes: Boeldt, Bohren, Carlson, Dekker, Hammond, Hanna, Heidemann, Kath, Matichek, Rindfleisch, Sampson, VanderWeele, Versey □ 13.

Nays: Kittelson, Roeseler □ 2.

On motion by Alderperson Versey and second by Alderperson Dekker, the Substitute Ordinance, as amended, was passed on call of the roll:

Ayes: Boeldt, Bohren, Carlson, Dekker, Hammond, Hanna, Heidemann, Kath, Matichek, Rindfleisch, Sampson, VanderWeele, Versey □ 13.

Nays: Kittelson, Roeseler □ 2.

#### **ORDINANCES INTRODUCED**

**Gen. Ord. No. 7- 11 -12. By Alderpersons Roeseler, Versey, Kittelson, Dekker, and Sampson. May 16, 2011.**

**AN ORDINANCE** establishing the salary for the Environmental Engineer.

THE COMMON COUNCIL OF THE CITY OF SHEBOYGAN DO ORDAIN AS FOLLOWS:

Section 1. The starting salary for the position of Environmental Engineer shall be \$75,000 per year.

**May 16, 2011**

Section 2. All ordinances or parts thereof in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict, and this ordinance shall be in effect from and after its passage and publication.

A motion by Alderperson Roeseler and second by Alderperson Versey to suspend the rules of the Common Council was passed by unanimous consent.

On motion by Alderperson Roeseler and second by Alderperson Versey, the foregoing Ordinance was passed on call of the roll:

Ayes: Boeldt, Bohren, Carlson, Dekker, Hammond, Hanna, Heidemann, Kath, Kittelson, Matichek, Rindfleisch, Roeseler, Sampson, VanderWeele, Versey □ 15.

Nays: None.

**Gen. Ord. No. 8 - 11 - 12. By Alderpersons Roeseler, Versey, Kittelson, Dekker and Sampson. May 16, 2011.**

**AN ORDINANCE** establishing the salary for the Chemist/Industrial Waste Water Treatment Plant Supervisor.

THE COMMON COUNCIL OF THE CITY OF SHEBOYGAN DO ORDAIN AS FOLLOWS:

Section 1. The starting salary for the position of Chemist/Industrial Waste Water Treatment Plant Supervisor shall be \$70,000 per year.

Section 2. All ordinances or parts thereof in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict, and this ordinance shall be in effect from and after its passage and publication.

A motion by Alderperson Roeseler and second by Alderperson Versey to suspend the rules of the Common Council was passed by unanimous consent.

On motion by Alderperson Roeseler and second by Alderperson Versey, the foregoing Ordinance was passed on call of the roll:

Ayes: Boeldt, Bohren, Carlson, Dekker, Hammond, Hanna, Heidemann, Kath, Kittelson, Matichek, Rindfleisch, Roeseler, Sampson, VanderWeele, Versey □ 15.

Nays: None.

**Gen. Ord. No. 9 - 11 - 12. By Alderpersons Kath and Kittelson. May 16, 2011.**

**AN ORDINANCE** annexing territory to the City of Sheboygan, Wisconsin.

Was referred to the City Plan Commission.

**Gen. Ord. No. 10 - 11 - 12. By Alderperson Hanna. May 16, 2011.**

**AN ORDINANCE** repealing and recreating Subsection 70-6(a)(2) of the Municipal Code so as to clarify the definition of an enclosed place in the statewide smoking ban and to eliminate Section 3 of Gen. Ord. No. 61-10-11, as amended on May 2, 2011, which read "All existing facilities that properly applied for building permits are grandfathered in as they currently exist."

Was re-referred to the Committee on Law and Licensing.

**MATTERS LAID OVER**

**R. C. No. 10 - 11 - 12. By PUBLIC WORKS. May 2, 2011.**

Your Committee to whom was referred Res. No. 258-10-11 by Alderperson Bohren authorizing executing a one-year lease for the agricultural property in the William A Hayssen Industrial Park; recommends that the Resolution be passed.

On motion by Alderperson Bohren and second by Alderperson Heidemann, the Report of Committee was filed all Alderpersons present voting "Aye".

**CONVENE IN CLOSED SESSION**

**A motion by Alderperson Rindfleisch and second by Alderperson Dekker to CONVENE IN CLOSED SESSION** under the exemption provided in Sec. 19.85(1)(g), Wis. Stats., for the purpose of conferring with legal counsel for the City who is rendering oral advice concerning strategy to be adopted with respect to litigation in which it is involved, names, Schwiebl Holding, LLC et al. v. City of Sheboygan 2010-CV-899."

**RECONVENE IN OPEN SESSION**

A motion by Alderperson Rindfleisch and second by Alderperson Dekker to **RECONVENE IN OPEN SESSION**.

**May 16, 2011**

There being no further business, on motion by Alderperson Rindfleisch and second by Alderperson Dekker, the meeting was then adjourned, all Alderpersons present voting "Aye".

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Mayor

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City Clerk